THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.4787 of 2007

Dated 16-03-2007

Between:

Pattela Nageswara Rao
and another

…Petitioners

And

The District Registrar,
Registration & Stamps Department and another

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.4787 of 2007

ORDER:

The petitioners entered into an agreement of sale, to purchase the land in Sy.No.36 of Gopannapalli village, Serilingampally Mandal, Ranga Reddy District. An agreement of sale-cum-G.P.A., said to have been executed by the vendors, on 24-11-2006; was presented for registration by paying Rs.52,000/- towards stamp duty and registration charges. Their grievance is that the 2nd respondent has not released the document, as yet.

At the stage of admission, learned Government Pleader for Revenue obtained instructions. It is stated that during the verification of the basic value register of the concerned village, it emerged that the land in Sy.No.36 belongs to Government. A notice dated 30-12-2006 is said to have been issued to the petitioners, requiring them to produce no objection certificate from the District Collector. It is also submitted that since the petitioners did not produce the no objection certificate, the registration was refused, vide proceedings dated 12-02-2007.

Heard the learned counsel for the petitioners and learned Government Pleader for Revenue.

The only basis, on which the 2nd respondent refused registration of the document presented by the petitioners, is that the land belongs to Government. In a way, it indicates absence of title in the vendors of the petitioners. Even assuming that there is a dispute, as to the very existence of title in the vendors of the petitioners, the 2nd respondent hardly has any role to play in the matter. As observed by

the Supreme Court, time and again, the subject-matter of a registration is, a document, and not the transaction. It is only the transaction, that can bring about changes in the rights of the parties. Further, the rights and obligations, flowing out of a document, do not bind the proceedings, and those who are not parties to it. The only instance, under which the registering authority is vested with the power, to refuse registrations, is, where they are attracted by Section 5 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. Such a situation does not exist in the instant case.

Therefore, the writ petition is allowed, and the 2nd respondent is directed to release the document, presented by the petitioners, without insisting on production of no objection certificate from the District Collector, if it otherwise accords with the provisions of the Indian Stamp Act and the Registration Act. It is, however, made clear that the document, if released, shall not have any effect upon the rights of the persons, or agencies, who are not parties to the document, including the Government.

There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.16-03-2007

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